

STAFF REPORT
Community Development Department
Petition Number: SE-14-012

To: Charlotte County Board of Zoning Appeals

From: Shaun Cullinan, Zoning Official

Prepared By: Ken Quillen, AICP, Planner III

Report Date: August 5, 2014

BZA meeting date: August 13, 2014

Requested Action/General Information:

Ruta Vardys, agent for Charlotte County Utilities, is requesting a special exception to allow an essential service, consisting of a sanitary sewer lift station, in a residential neighborhood. Subject property is located at **15563 - 15571 Chamberlain Boulevard** in Port Charlotte (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Residential Multifamily-10 (RMF-10). This property has a Medium Density Residential FLUM designation.

On January 14, 2011, the Board of County Commissioners directed Charlotte County Utilities to implement a public wastewater collection system for the commercial corridor and surrounding areas in conjunction with the Tamiami Trail (U.S. 41) road widening project. Historically, individual septic systems have been used to treat wastewater, from residences and businesses in this area. The Florida Department of Transportation is planning to widen Tamiami Trail from two to three lanes in each direction from the Sarasota County line to Veterans Boulevard. This proposed "essential service" use requires a special exception because it is located in the RMF zoning district. The zoning code allows this use as a special exception provided it complies with all of the development standards of the zoning code, including landscaping, as well as any conditions imposed by the Board of Zoning Appeals "to prevent or minimize adverse effects on other property in the surrounding neighborhood" [sec. 3-9-7(h)].

The attached area map labeled **Chamberlain Master Lift Station Service Area** (Exhibit A) shows the portions of northwest Port Charlotte to be served by this sanitary sewer expansion program. This service area is bounded by the County line to the north and west, Crestwood Waterway on the east, and the Myakka River, Apollo and Jupiter Waterways, and Biscayne Drive on the south. The location of the proposed lift station on Chamberlain Boulevard is labeled. The applicant has submitted a preliminary **Site Plan** (Exhibit B), which shows the location of the proposed lift station compound (#145), access drive, security fence, landscaping and yards. This proposed landscape plan has been reviewed by staff and was found to exceed the minimum landscaping requirements of code and the type "A" landscape buffer. The applicant plans to construct this new lift station to pump wastewater from the surrounding commercial and residential area into a sanitary sewer force-main line, which will take it to the East Port Water Treatment Plant. This lift station equipment will be located underground. The applicant has also submitted the attached **Narrative** (Exhibit C) providing some additional details related to this project and addressing the criteria for granting a special exception for this essential service.

Charlotte County has identified the need for sanitary sewer service in the Infrastructure Element, of the **Smart Charlotte 2050** plan. **Objective 6.2** (Exhibit D) of the Water and Sewer Infrastructure Element states that Charlotte County will: "...ensure CCU operations are efficient in the expenditure of public funds." This proposal is one example of where Charlotte County Utilities is implementing the objectives and policies of **Smart Charlotte 2050** to help provide waste water treatment facilities to developed areas of Charlotte County in the most efficient way possible. Installing water and sewer lines in conjunction with road projects saves money and is the most efficient use of public funds. The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (Exhibit E) dated July 17, 2014.

Findings: The standards for approval for a Special Exception according to Section 3-9-7(f) of the Charlotte County Zoning Code are as follows:

1. The requested special exception is either explicitly permitted by the regulations in the zoning district for which it is requested or is permitted by reasonable implication within that district.

Finding: Essential services are allowed as a special exception in the RMF-3.5 zoning district as per Section 3-9-33(e) of the Zoning Code.

2. The requested special exception is compatible with existing uses surrounding immediately adjacent and contiguous to the land on which the requested special exception would exist.

Direction	Existing Land Uses	Existing Zoning	FLUM Designation
North	Vacant lots	RMF-10	Medium Density Residential
South	Vacant lots	RSF-3.5	Low Density Residential
East	Two-family residences	RMF-10	Medium Density Residential
West	Two-family residences	RMF-10	Medium Density Residential

Finding: Two-family residences are located to the east and west of this proposed lift station, which is considered a utility type use. However, sanitary sewer service of waste water is essential to all land uses, including residential areas, and therefore needs to be located within residential areas. As such, the Zoning Code requires these facilities obtain a special exception and that they be developed according to all requirements of code, including landscaping, in order to make the use compatible with surrounding land uses.

3. Adequate access shall be provided for ingress and egress to the proposed use in a manner that minimizes hazards and congestion on streets and roads.

Finding: A single 16-foot wide access drive is proposed off of Chamberlain Boulevard, which must be approved by Land Development's Right-of-way Division.

4. Adequate provision has been made for buffers, landscaping, trees, open space, storm-water or other improvements associated with the proposed use.

Finding: All County development codes apply to this proposed lift station, including a type "A" landscape buffer requirement. While meeting the tree, landscaping and buffer requirements of code would presumably satisfy this standard, the BZA may require additional landscaping, if they find it is necessary to ameliorate any conflicting land use issues.

5. The requested Special Exception is consistent with the **Smart Charlotte 2050 Plan** (Charlotte County Comprehensive Plan) and Land Development Regulations.

Finding: The placement of a sanitary sewer lift station on this site may be considered consistent with the Infrastructure Element of the Smart Charlotte 2050 Plan.

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

Finding: This proposed lift station and sewer collection system will enhance the public health, safety and general welfare by protecting the public health and surrounding natural environment, including ground water and area surface waters.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed essential service, consisting of a sanitary sewer lift station, does meet the six criteria for a special exception.

If the Board of Zoning Appeals decides to approve the requested special exception staff recommends the following conditions be adopted, as conditions of approval, to ensure the use is in compliance with the purpose and intent of the Zoning Code. The conditions are as follows:

1. This special exception is for an essential service, consisting of a sanitary sewer lift station, and extends only to the land included in the site plan and legal description submitted with this application.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes, including a type "A" landscape buffer, are applicable to the construction and operation of the proposed sanitary sewer lift station.
3. A landscape plan that meets the minimum requirements for a type "A" landscape buffer, shall be submitted to Community Development Department for approval prior to construction of the lift station. All of the landscaping indicated on the approved landscape plan shall be installed prior to operation of the lift station and continuously maintained as long as the lift station is located on this site.
4. All necessary permits and approvals must be obtained, as applicable to this development, including but not limited to, right-of-way access, paving, electrical, plumbing, fencing, landscaping, and invasive plant species removal.
5. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

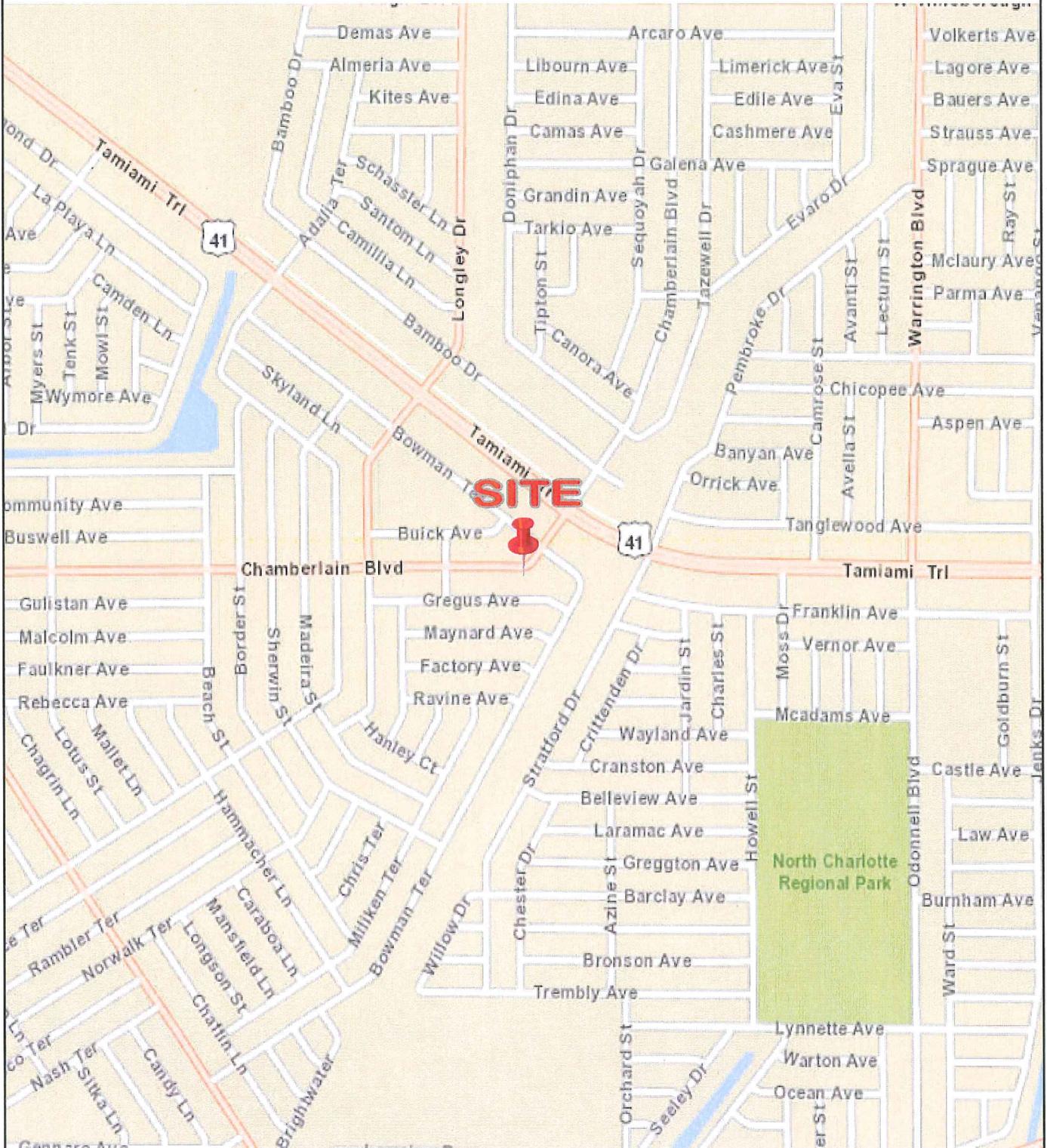
Please be advised that the final decision regarding the petition rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.

Attachments: Staff Report (3), Service Area Map, Site Plan, Narrative (3), Smart Charlotte 2050 Plan, and Environmental Specialist Memorandum



CHARLOTTE COUNTY

Location Map for SE-14-012



11/40/21 Mid-County

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Community Development

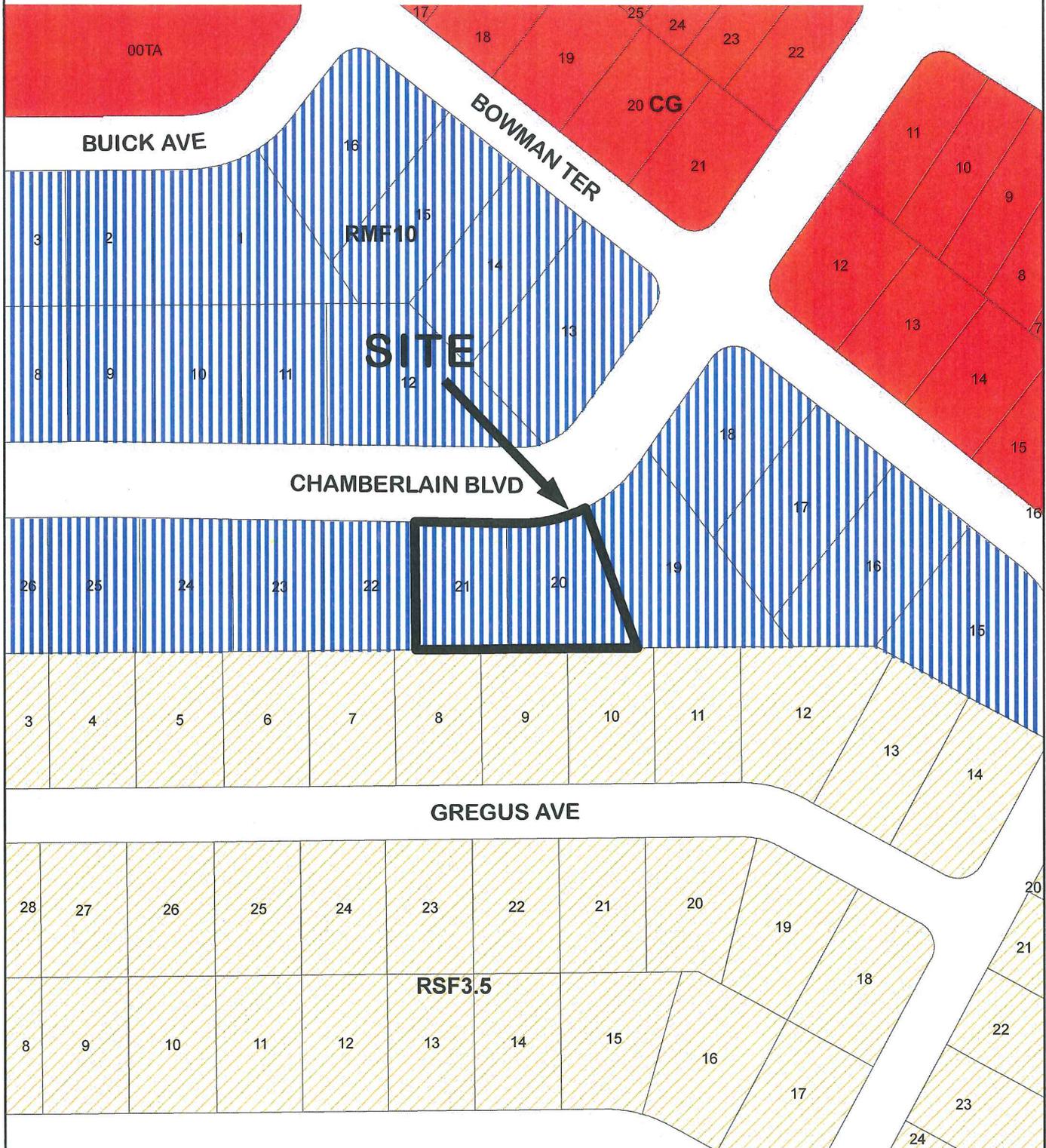
CHARLOTTE COUNTY

Zoning Map for SE-14-012

Charlotte County Government

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Community Development

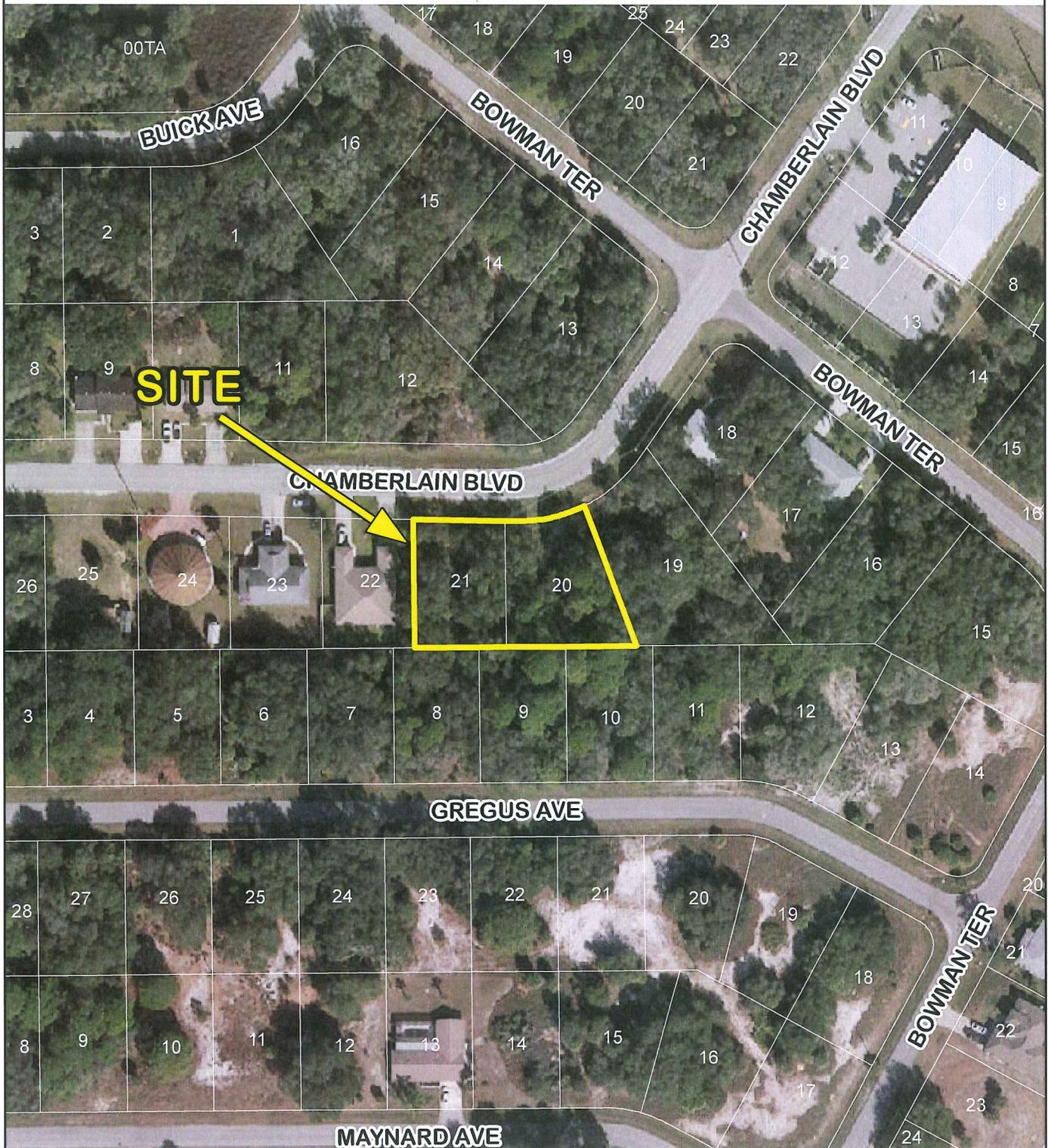
CHARLOTTE COUNTY

Aerial View for SE-14-012

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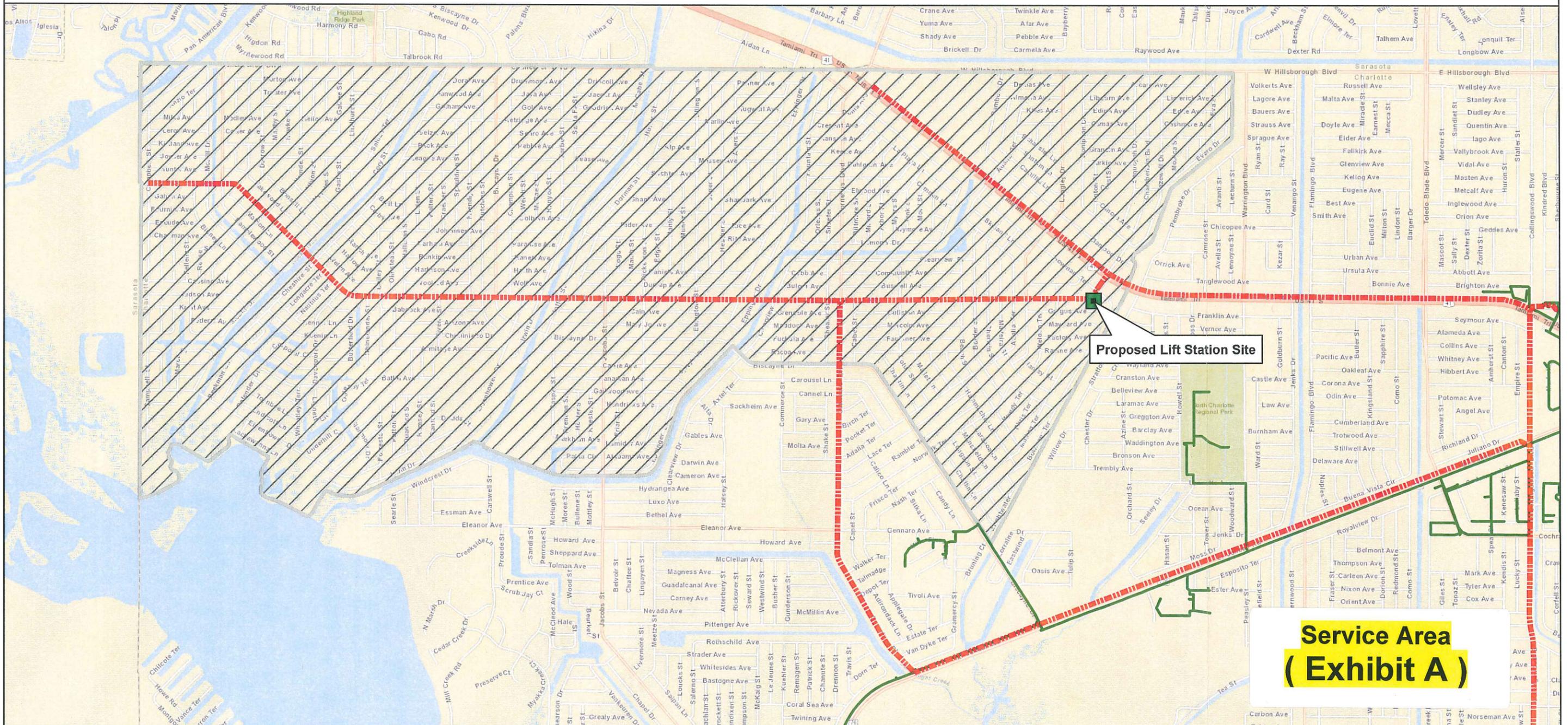
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CHARLOTTE COUNTY

Chamberlain Master Lift Station Service Area

Proposed Gravity Interceptor and Transmission Force Mains



**Service Area
(Exhibit A)**

Stateplane Projection
Datum: NAD83
Units: Feet
Source: Charlotte County Utilities

Legend

-  Chamberlain Lift Station
-  Proposed Sewer Mains
-  Existing Sewer Mains
-  Chamberlain Lift Station Service Area



0 1,100 2,200 4,400
Feet

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**Narrative for Special Exception
Construction of a Master Lift Station (# 145) on Chamberlain Blvd. for
US 41 Utilities Improvements from Enterprise Dr.
to the Charlotte County/Sarasota County Line**

Project Overview and Background:

Charlotte County Utilities (CCU) is seeking a special exception for constructing a proposed lift station in a residential subdivision located on Chamberlain Blvd., more specifically on Lots 20 and 21, Block 2435, Port Charlotte Subdivision 29 as shown on the enclosed site plan. The construction of the lift station is part of a wastewater expansion program to initially provide central wastewater service to the commercial corridor and surrounding areas along the Florida Department of Transportation's (FDOT) project to widen US 41, the project limits of which extend from Enterprise Dr. to the Charlotte/Sarasota County line. The US 41 Utilities Improvement project was approved by Charlotte County on January 14, 2011 with the project going to bid mid-summer 2014 and anticipated completion by 2016.

This lift station, identified as proposed Lift Station #145, will initially be designed to serve the commercial properties along the US 41 corridor. As development and expansion of the wastewater system occur, the station will be expanded in a phased approach as shown on the enclosed site plan and lift station service area and gravity interceptor and transmission force mains map to serve the northwest portion of the Mid-County area west of US 41 and Chamberlain. At full build-out the station will serve approximately 14,000 connections.

An overview demonstrating the location of the Chamberlain Master Lift Station in relation to the overall CCU master wastewater plan has been presented to the Board of County Commissioners during an April 16, 2013 workshop ("Charlotte County Utilities Overview" found at <http://www.charlottecountyfl.com/CCU/Presentations/>).

Charlotte County has recently found willing sellers for two lots where the proposed lift station will be constructed and is submitting this special exception request in order to complete the purchase as per the sales agreement. The construction of this lift station is required at the designated location in order to facilitate the design configuration of the proposed gravity sewer system and gravity interceptor and force mains that will ultimately serve the northwest portion of the wastewater service area.

Property Description and Proposed Site Improvements:

The lift station will be constructed in the center Lots 20 and 21, Block 2435, Port Charlotte Subdivision 29, providing for a maximum buffer zone from the surrounding residences.

The initial proposed improvements to be constructed on the site are as follows:

- One lift station which includes a 36 foot by 36 foot concrete pad and motor control center panel.

**Narrative
(Exhibit C-1)**

- Perimeter fencing constructed of black vinyl coated chain link and a 16 foot wide concrete driveway access for operation and maintenance personnel.
- Enhanced landscaping in accordance with the enclosed landscape plan and specifications.

Section 3-9-7(f) Standards for approval:

1. The requested special exception is either explicitly permitted by the regulations in the zoning district for which it is requested or permitted by reasonable implication within that district.

A special exception is explicitly permitted by the regulations in the zoning district for which it is requested. The proposed lift station site is to be constructed on Lots 20 and 21, Block 2435, Port Charlotte Subdivision 29 which is located in the RMF 10 Zoning District. Section 3-9-33(e)(6) lists Essential Services and Emergency Services as Special Exceptions in this district. By definition under Section 3-9-2 Essential Services is defined as utility service installations other than distribution and collection systems. In Section 3-9-74 this definition is further expanded to include sewage treatment plants and lift stations, water wells, storage tanks, pumping stations, and water treatment plants. Therefore, this proposed lift station is explicitly permitted by special exception within this zoning district.

2. The requested special exception is compatible with existing uses surrounding immediately adjacent and contiguous to the land on which the requested special exception would exist.

The proposed lift station on this site is integral to the successful operation of the utility installations for US 41 widening project. The lift station collects wastewater from developed properties in the area and pumps the wastewater to the East Port Wastewater Treatment Facility. The lift station is integral to providing wastewater service to the neighborhood and surrounding commercial areas and is compatible with the requirements of providing essential services to the neighborhood. Since the proposed use is allowed as a Special Exception in the zone and has a Future Land Use designation of Medium Density Residential, it is felt that use of this site for the utility purpose proposed is consistent with Charlotte County development regulations.

3. Adequate access shall be provided for ingress and egress to the proposed use in a manner that minimizes hazards and congestion on streets and roads.

The site will be accessed by a 16-foot wide concrete driveway, which is adequate since this facility is not open to the general public. The primary vehicles entering the site will be for periodic maintenance of the lift station and surrounding grounds.

4. Adequate provision has been made for buffers, landscaping, trees, open space, storm-water or other improvements associates with the proposed use.

The attached site layout identifies the necessary buffers, landscaping, trees, open space, storm-water or other improvements associated with the construction of the lift station.

**Narrative
(Exhibit C-2)**

5. The requested special exception is consistent with the Charlotte County Comprehensive Plan and Land Development Regulations.

The requested special exception is consistent with the Charlotte County Comprehensive Plan and Land Development Regulations. As outlined above, the proposed site for the station on Lots 20 and 21, Block 2435, Port Charlotte Subdivision 29 is located in the RMF 10 Zoning District. Section 3-9-33(e)(6) lists Essential Services and Emergency Services as Special Exceptions in this district. By definition, under Section 3-9-2 Essential Services is defined as utility service installations other than distribution and collection systems. In Section 3-9-74 this definition is further expanded to include sewage treatment plants and lift stations, water wells, storage tanks, pumping stations, and water treatment plants. Therefore the special exception is consistent with Land Development Regulations. The proposed station is consistent with the County comprehensive plan adopted in July 2010, by the Charlotte County Board of County Commissioners titled, "Smart Charlotte 2050". The plan contains an infrastructure element titled "Infrastructure – Potable Water and Sanitary Sewer (WSW) – Goals, Objectives and Policies". Below are excerpts obtained directly from the plan which supports the proposed station:

- **WSW GOAL 3 PROVISION OF UTILITY SERVICES**
Encourage utilities to provide well-designed and economically efficient systems of potable water and sanitary sewer service that maximizes the use of existing facilities to meet the needs of a growing population, while protecting the natural environment.
- **WSW OBJECTIVE 3.1 CONNECTION TO UTILITY SERVICES**
To connect developed properties to central potable water and sanitary sewer service when such centralized utility services are made available.
- **WSW GOAL 5 SANITARY SEWER**
Provide adequate sanitary sewage collection and treatment throughout the county.
- **WSW GOAL 6 CHARLOTTE COUNTY UTILITIES**
Operate CCU in an efficient and business-like manner to the benefit of the public.
- **WSW POLICY 6.1.1 PROJECT PRIORITIZATION**
The county shall give high priority to CCU capital projects that are needed to rectify existing deficiencies in the utility systems.
- **WSW POLICY 6.1.2 SEWER EXPANSION PROGRAM**
CCU shall develop a cost-effective sewer expansion program consistent with the Goals, Objectives and Policies of this Plan with the intent of reducing the impact of pollutants on the natural environment and preserving groundwater quality.

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

The establishment, maintenance or operation of the proposed lift station and related improvements will not be detrimental to or endanger the public health, safety or general welfare. The station is a critical component of the proposed central wastewater system and will transmit wastewater collected from the surrounding neighborhood and commercial areas to the wastewater treatment plant in order to be treated.

Enclosed Site Plan and Maps:

- 14-0020 Lift Station #145 Site Plan
- Chamberlain Master Lift Station Service Area and Proposed Gravity Interceptor and Transmission Force Mains

**Narrative
(Exhibit C-4)**

Smart Charlotte 2050

Infrastructure Element

Water and Sewer (WSW) GOAL 3 - PROVISION OF UTILITY SERVICES

Encourage utilities to provide well-designed and economically efficient systems of potable water and sanitary sewer service that maximizes the use of existing facilities to meet the needs of a growing population, while protecting the natural environment.

WSW Objective 3.1 Connection to Utility Services

To connect developed properties to central potable water and sanitary sewer service when such centralized utility services are made available.

Water and Sewer (WSW) GOAL 5 - SANITARY SEWER

Provide adequate sanitary sewage collection and treatment throughout the County.

Water and Sewer (WSW) GOAL 6 - CHARLOTTE COUNTY UTILITIES

Operate CCU in an efficient and business-like manner to the benefit of the public.

WSW Objective 6.1 Public Benefits

To ensure that CCU operations fulfill public health standards and meet the adopted Level of Service (LOS).

WSW Policy 6.1.1 Project Prioritization

The County shall give high priority to CCU capital projects that are needed to rectify existing deficiencies in the utility systems.

WSW Policy 6.1.2 Sewer Expansion Program

CCU shall develop a cost-effective sewer expansion program consistent with the Goals, Objectives, and Policies of this Plan with the intent of reducing the impact of pollutants on the natural environment and preserving groundwater quality.

WSW Policy 6.1.3 System Extension MSBU's

CCU may continue to finance the extension of its centralized potable water and sanitary sewer facilities through MSBUs or other funding mechanisms.

WSW Objective 6.2 System Efficiencies

To ensure that CCU operations are efficient in the expenditure of public funds.

WSW Policy 6.2.1 Facility Rehabilitation and Reuse

CCU shall evaluate the rehabilitation and reuse of existing facilities and structures as an alternative to new construction.

WSW Policy 6.2.2 Funding Options

CCU shall actively seek Federal and State assistance for the funding of its central potable water and sanitary sewer infrastructure.

Smart Charlotte 2050 Plan

(Exhibit D)



MEMORANDUM

Date: July 17, 2014
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-14-012, Charlotte County Utilities, 15563-15571 Chamberlain Boulevard

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes or ordinances and offers the following comments:

- ❖ A preliminary environmental review was conducted by staff. The site consists of two highly vegetated undeveloped residential lots. Due to the fact that the property is undeveloped there is a probability of listed species occurrence on site. If heritage trees are documented on site these trees shall be protected without regard to their location or the date of final development approval.
- ❖ County staff will conduct a field review prior to the issuance of county permits and land clearing activities. If listed species are documented on site all required U.S. Fish and Wildlife Service (FWS) and Florida Fish and Wildlife Conservation Commission (FWCC) permits (if applicable) must be provided to staff prior to the issuance of county permits and land clearing activities.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review (if required) and the issuance of any County permit or land improvement activities:

- ❖ All applicable county, state and federal authorization or permits, and mitigation (if necessary) will be required.
- ❖ If this proposal moves forward, it will be reviewed for compliance with:
 - Chapter 3-2: Article IX. TREE REQUIREMENTS
**All heritage trees (per Section 3-2-190) must remain preserved.
 - Chapter 3-5: Article IV, CLEARING, FILLING AND SOIL CONSERVATION,
Article XVIII, LANDSCAPING AND BUFFERS.

If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

JS

(Exhibit E)

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